

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA**

**DUK SOOK KUHRY-HAEUSER,**

**Plaintiff,**

**V.**

# JOHN DEERE LANDSCAPES,

**Defendant.**

8:05CV37

## ORDER

This matter is before the court on the plaintiff's Motion for Extension of Time for Completing Discovery (Filing No. 43) and defendant's Objection to Motion to Extend Time (Filing No. 44).

In her motion, plaintiff requests that the court extend the discovery deadline from May 26, 2006 to June 23, 2006. Plaintiff states that she attempted to schedule depositions prior to the May 26, 2006 deadline but due to scheduling conflicts on the part of both parties the depositions could not be scheduled. Defendant objects to the extension arguing that plaintiff has not shown good cause for failing to meet the two previously scheduled discovery deadlines and should not be excused from compliance with the Federal Rules of Civil Procedure.

Indeed, pro se litigants are not excused from compliance with substantive and procedural law, *Burgs v. Sissel*, 745 F.2d 526, 528 (8th Cir.1984) (per curiam), but here it does not appear that plaintiff has engaged in such a course of intentional delay to warrant a denial of the motion. Therefore, the court will grant plaintiff's motion. However, to ensure that a convenient time for both parties can be determined, the court strongly encourages plaintiff to provide sufficient notice to defendant of the desired deposition times. While the court freely grants motions to extend in pro se cases, these requests are always balanced against the need to timely move the case forward in the interest of judicial efficiency.

THEREFORE IT IS ORDERED:

1. Plaintiff's Motion for Extension of Time for Completing Discovery (Filing No. 43) is granted.
1. The Progression Order (Filing No. 28) is amended as follows:

- a. **Deposition Deadline.** All depositions, whether or not they are intended to be used at trial, shall be completed by **June 23, 2006**. All interrogatories, requests for admission and requests for production or inspection, whether or not they

are intended to be used at trial, shall be served sufficiently early to allow rule time response before that date. Counsel may stipulate to extensions of time to respond to discovery requests in accordance with Fed. R. Civ. P. 29, as amended, but such extensions shall not extend any of the dates in this order; any requests for extensions of any of the deadlines herein shall be made by appropriate motion and order.

b. **All** motions for summary judgment shall be filed on or before **August 11, 2006**. See NECivR 56.1 and 7.1.

Dated this 31st day of May 2006.

BY THE COURT:

s/F.A. Gossett  
United States Magistrate Judge